

DEPARTMENT OF TAXATION

2016 Fiscal Impact Statement

1. **Patron** J. Randall Minchew

2. **Bill Number** HB 182

House of Origin:

 Introduced

 Substitute

 Engrossed

3. **Committee** Senate Finance

4. **Title** Transient Occupancy Tax; Frederick County

Second House:

 X **In Committee**

 Substitute

 Enrolled

5. **Summary/Purpose:**

This bill would add Frederick County to the list of counties that are currently authorized to impose the transient occupancy tax at a maximum rate of five percent. Revenues from the portion of tax in excess of two percent would be required to be used solely for tourism or marketing of tourism.

Under current law, any county may impose a transient occupancy tax at a maximum rate of two percent upon the adoption of an ordinance, on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. Virginia law separately identifies a total of fifty counties that are authorized to impose a transient occupancy tax at a maximum rate of five percent. The revenues for the portion of the tax over two percent must be designated and spent solely for tourism, marketing of tourism, or initiatives that attract travelers to the locality and generate tourism revenues in the locality.

The effective date of this bill is not specified.

6. **Budget amendment necessary:** No.

7. **Fiscal Impact Estimates are:** Not available. (See Line 8.)

8. **Fiscal implications:**

As it is unknown whether Frederick County will exercise the authority granted by this bill to impose the tax at the maximum five percent rate, the impact of this bill on Frederick County is not known. Currently, Frederick County imposes the transient occupancy tax at the rate of two percent, and collected a total of \$477,000 in Fiscal Year 2014. Assuming Frederick County exercises the authority to impose the tax at the maximum rate, the estimated revenue gain for Frederick County would be \$743,000 in Fiscal Year 2017, \$847,000 in Fiscal Year 2018, \$885,000 in Fiscal Year 2019, \$925,000 in Fiscal Year 2020, \$965,000 in Fiscal Year 2021, and \$1,007,000 in Fiscal Year 2022.

This bill would have no impact on state revenues.

9. Specific agency or political subdivisions affected:

Frederick County

10. Technical amendment necessary: No.

11. Other comments:

Generally

Under current law, any county may impose a transient occupancy tax at a maximum rate of two percent, upon the adoption of an ordinance, on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. The tax, however, does not apply to rooms rented on a continuous basis by the same individual or group for 30 or more continuous days. The tax applies to rooms intended or suitable for dwelling and sleeping. Therefore, the tax does not apply to such rooms used for alternative purposes, such as banquet rooms and meeting rooms.

Counties Authorized to Impose Transient Occupancy Tax at a Higher Rate

The following counties are authorized to impose a transient occupancy tax at a maximum rate of five percent: Accomack, Albemarle, Allegheny, Amherst, Augusta, Bedford, Bland, Botetourt, Brunswick, Campbell, Caroline, Carroll, Craig, Cumberland, Dickenson, Dinwiddie, Floyd, Franklin, Giles, Gloucester, Grayson, Greene, Greenville, Halifax, Highland, Isle of Wight, James City, King George, Loudoun, Madison, Mecklenburg, Montgomery, Nelson, Northampton, Page, Patrick, Prince Edward, Prince George, Prince William, Pulaski, Rockbridge, Russell, Smyth, Spotsylvania, Stafford, Tazewell, Washington, Wise, Wythe and York. The revenues for the portion of the tax over two percent must be spent on promoting tourism and travel, and marketing of tourism or initiatives that attract travelers to the locality and generate tourism revenues in the locality.

Counties Authorized to Impose Additional Transient Occupancy Taxes

Arlington County is authorized to levy transient occupancy tax at a maximum rate of five percent, provided the county's local license tax on facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days does not exceed one percent of the gross receipts from these facilities. Arlington County's authorization to impose an additional transient occupancy tax at a maximum rate of one-fourth of one percent of the amount of the charge for accommodations expired on January 1, 2012.

The counties of Chesterfield, Hanover, and Henrico may impose an additional transient occupancy tax not to exceed four percent. The revenues from the additional four percent must be used to promote tourism and travel in the Richmond Metropolitan area. These localities may also impose an additional transient occupancy tax not to exceed two percent, the revenues from which must be used for the expansion of the Richmond Centre. These localities are also authorized to impose an additional transient occupancy tax not to exceed one percent. The revenues from the additional one percent tax must be used for the development and improvement of the Virginia Performing Arts Foundation's

facilities in Richmond, for promoting the use of the Richmond Centre, and for promoting tourism and travel in the Richmond metropolitan area.

The counties of James City and York are authorized to impose an additional transient occupancy tax not to exceed \$2 per room per night. The revenues from this additional tax will be used to promote tourism in the Historic Triangle area.

Fairfax County may impose an additional two percent tax on the occupancy of any room. The revenues from this additional tax will be used to promote tourism in the county and to fund a Visitor's and Convention Bureau. Any additional tax imposed in Fairfax County does not apply within the limits of any town located in Fairfax County unless the governing body of the town consents.

Rockbridge County and the Cities of Lexington and Buena Vista may impose an additional transient occupancy tax at a rate not to exceed two percent. The revenues from this tax will be used to fund the Virginia Horse Center Foundation and the Virginia Equine Center Foundation.

Franklin County may impose a transient occupancy tax on certain rentals, such as condominiums, apartments, and townhouses, at a rate not to exceed two percent.

Nelson County may impose a transient occupancy tax on certain rentals, such as condominiums, apartments, and townhouses, at a rate not to exceed five percent. The revenues for the portion of the tax over two percent must be designated for promoting tourism, travel, or business that generates tourism or travel in the locality.

Bath County may impose an additional transient occupancy tax at a rate not to exceed two percent. One-half of the revenue from the tax must be designated and spent solely for tourism and travel. The remaining half must be designated and spent solely for the design, operation, construction, improvement, acquisition and debt of tourism facilities, historic sites, beautification projects, promotion of the arts, regional tourism marketing efforts, capital costs related to travel and transportation, public parks and recreation, and information centers.

Roanoke County may impose a total transient occupancy tax not to exceed seven percent. The revenue collected from the two percent tax rate increase must be designated solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau.

In addition, any county with the county manager plan of government is authorized to impose an additional transient occupancy tax at a maximum rate of two percent, provided the county's governing body approves the construction of a county conference center. The revenues collected from this additional tax must be spent for the design, construction, debt payment, and operation of the conference center.

Regional Transient Occupancy Tax

In addition to the local transient occupancy taxes, legislation enacted in 2013 imposes a new two percent regional transient occupancy tax in the Northern Virginia region. The

Northern Virginia region consists of the Counties of Arlington, Fairfax, Loudoun and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. Although the regional transient occupancy tax is a state tax, it is administered and collected by the locality in which the room or space is located in the same manner as its current local transient occupancy tax.

Proposal

This bill would add Frederick County to the list of counties that are currently authorized to impose the transient occupancy tax at a maximum rate of five percent. Revenues from the portion of tax in excess of two percent would be required to be used solely for tourism or marketing of tourism.

The effective date of this bill is not specified.

Similar Legislation

House Bill 328 would authorize Botetourt County to impose an additional transient occupancy tax at a maximum rate of 2%, and would commit the revenues from the tax to advertising the Roanoke metropolitan area as an overnight tourist destination.

House Bill 1147 would reinstate Arlington County's authority to impose an additional transient occupancy tax at the maximum rate of one-fourth of one percent of the occupancy charge, beginning July 1, 2016 and ending July 1, 2018, and would remove the requirement that the revenues be in addition to the county's previously budgeted amount for the promotion of tourism and business travel.

House Bill 1194 would authorize Bedford County to impose an additional transient occupancy tax at a maximum rate of two percent, the revenues of which would be designated solely for tourism and travel and marketing of tourism.

Senate Bill 160 would reinstate Arlington County's authority to impose an additional transient occupancy at the maximum rate of one-fourth of one percent of the occupancy charge, and would remove the requirement that the revenues be in addition to the county's previously budgeted amount for the promotion of tourism and business travel.

cc : Secretary of Finance

Date: 2/9/2016 KP
DLAS File Name: HB182FE161